

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

CODE OF ETHICS

This amended rule, in compliance with the rules of the RI Ethics Commission, the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, identifies standards for ethical conduct of state business by all staff of the Department of Children, Youth and Families.

In the amendment of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401-528-3685). Interested persons should submit data, views or written comments by January 23, 2011 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Code of Ethics

Rhode Island Department of Children, Youth and Families

Policy: 100.0160

Effective Date: February 11, 1991

Revised Date:

Version: 42

The Department of Children, Youth and Families complies with Rhode Island General Law 36-14, which mandates that public officials and staff adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety and do not use their position for private gain or advantage. All staff comply with standards outlined by the RI Ethics Commission regarding nepotism and favoritism, gifts, municipal and state property, use of confidential information, transactions with subordinates, outside employment, revolving door, awarding of contracts and acting as an agent before any public agency, board or commission.

~~In accordance with RIGL 36-14-1, "It is the policy of the State of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, and responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage".~~

~~RIGL 36-14-5 (e 2) specifically states that "no person subject to this Code of Ethics shall represent any other person before any state or municipal agency of which he/she is a member or by which he/she is employed." For clinical staff of the Department of Children, Youth, and Families, there is an opportunity to engage in private practice or outside employment as therapists and/or counselors. Private practice as used in the context of this policy would be any activities outside the scope of the staff member's employment with the Department.~~

~~DCYF employees, who by virtue of some outside position, whether for monetary or voluntary purposes, find themselves in a position of making recommendations to the Department and/or the Family Court, that could impact on the client's case plan development, would be in violation of the provisions set forth in RIGL 36-14-5 (e 2). If the employee avoids making recommendations to the Department or the Court relative to his/her work with the client, it is unlikely that the outside position would constitute a violation of the Code of Ethics.~~

~~The Rhode Island Ethics Commission has investigatory and adjudicative powers relative to alleged violations of the various sanctions, including a civil penalty of no more than ten (10) thousand dollars and, in extreme cases, removal from office.~~

~~It is the policy of the Department of Children, Youth, and Families that its employees will not engage in activities prohibited by RIGL 36-14-5 (e 2). It would also be inappropriate for any employee to continue in or initiate such activities in the future.~~

Related Procedure

[Code of Ethics](#)

Related Policy

[Confidentiality](#)

[Confidentiality: Access to Information Contained in Departmental Service Records](#)

Code of Ethics

Procedure from Policy 100.0160: Code of Ethics

- A. Staff does not participate in any official action, decision or deliberation that affects his or her family members, business associates, outside employers or any business he or she represents. Staff does not hire, evaluate, supervise or participate in employment decisions affecting family members.
1. Family members include a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage. Family members also include: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother and half-sister.
 2. Business associates include any person with whom staff has joined to achieve a common financial objective.
- B. Staff, his or her family members and business associates do not accept anything of value based on the understanding that the gift will influence judgment or official action. Staff may accept gifts having a value of \$25 per instance and \$75 per year as long as these gifts are not intended to influence his or her judgment or official action.
- C. Public property, vehicles, equipment and supplies are utilized only to serve a public purpose in conformance with each staff's official duties.
- D. Confidential information acquired in the course of official duties is not disclosed or utilized for financial gain. In all circumstances, staff comply with DCYF Policy 100.0000, Confidentiality and DCYF Policy 100.0005, Confidentiality: Access to Information Contained in Departmental Service Records.
- E. Staff does not accept outside employment that impairs independence of judgment in the conduct of official business or that would require disclosure or utilization of confidential information acquired in the course of official duties.
- F. Staff does not receive compensation to represent any person or organization before any board, commission or government entity over which he or she exercises fiscal or jurisdictional control unless he or she is acting as a representative of a duly certified bargaining unit, or the representation takes place in a state court of public record, or he or she is asking the governmental entity to carry out a mandatory duty that does not involve any discretion.
- G. Staff does not enter into any contract with state or local government unless that contract is awarded through an open and public bidding process that includes prior public notice and subsequent disclosure.
1. This prohibition also applies to family members, business associates and to any business that staff or their family members or business associates have a ten percent (10%) equity interest or a \$5000 or greater cash value interest.
 2. Procurement officials do not accept goods or services for personal use for less than fair market values from vendors or prospective vendors within a twenty four (24) month period.
- H. Except as described by the RI Ethics Commission, staff does not engage in financial transactions with subordinates, including private employment, loans, monetary, political or charitable contributions with any staff, contractor or consultant over whom he/she exercises supervisory responsibility.

I. Staff directs any questions or concerns about the application of the RI Code of Ethics in the performance of his or her duties to the DCYF Ethics officer, the Chief of Staff or staff seeks an Advisory Opinion from the RI Ethics Commission.

J. Paragraphs A – I are consistent with American Correctional Association Standards 3-JDF-1C-21 and 3-JTS-1C-23.

~~A. All existing employees and new hires will be made aware of the Code of Ethics as set forth in RIGL 36-14-1 et. seq. Existing employees will be made aware of the State Code of Ethics and its implications by virtue of this policy. New employees will be made aware of this policy by the Chief Legal Counsel at the time of orientation.~~

~~B. Any employee who continues to provide or initiates private clinical services to a client of this Department after the effective date of this policy, may be subject to review by the Rhode Island Ethics Committee.~~

~~C. The Chief Legal Counsel is available for any employee who requires additional clarification, specifics and/or information on the State's Code of Ethics.~~

~~D. All employees are at liberty to present their specific circumstances to the Ethics Commission and request an advisory opinion.~~